

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
NORTH PACIFIC PLYWOOD, INC.,)
)
Appellant,)
)
vs.)
)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
)
Respondent.)

PCHB No. 285

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

A formal hearing on the appeal of North Pacific Plywood, Inc. to two civil penalties, each in the amount of \$250.00, came on before Walt Woodward and W. A. Gissberg, with Mr. Woodward presiding, in Lacey, Washington on May 24, 1973 at 9:30 a.m.

Appellant appeared through its general manager, B. G. Monteith; respondent appeared through its attorney, Keith D. McGoffin.

Mr. Gissberg revealed that he had formerly represented Mr. Monteith on a personal matter unrelated to the appeal or appellant's business. All parties agreed that there was no conflict and that Mr. Gissberg

could continue to participate in the appeal.

Having reviewed the transcript of the testimony and the exhibits admitted into evidence and being fully advised, the Board makes the following:

FINDINGS OF FACT

I.

Appellant's place of business and its manufacturing plant is situated in Tacoma, Washington. Respondent's first contact with appellant was on July 30, 1971 on which date black smoke emitted from appellant's boiler stack for 15 consecutive minutes of a shade darker than No. 2 on the Ringelmann Chart, namely ranging from a Ringelmann No. 3 to 5. The emission, and subsequent ones hereinafter described were caused by appellant's hog fuel boiler. The following Notices of Violation were thereafter served upon appellant:

<u>Date</u>	<u>Ringelmann</u>	<u>Notice of Violation</u>
12/20/71	3	5005
5/30/72	3-5	5736
7/13/72	2½-4	5382
8/22/72	2½-4	5537
12/27/72	2½-5	3844
12/29/72	2½-5	3848

II.

Appellant admitted that on each of the above dates it had violated respondent's smoke emission regulations which make it unlawful to cause or allow the emission of an air contaminant darker in shade than No. 2 on the Ringelmann Chart for more than three minutes

FINDINGS OF FACT,
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1 in any hour.

2 III.

3 The management of appellant has made a determined effort to control
4 its air pollutant emissions by the expenditure of large sums of money
5 for design and installation of control equipment. Some of appellant's
6 employees do not seem to be concerned with the problem of abating and
7 reducing pollution as evidenced by their disregard and failure to carry
8 out the instructions of their management on this matter of public
9 health and safety.

10 IV.

11 The Notices of Civil Penalty which are the subject of this appeal,
12 each in the amount of \$250.00, may convince appellant's employees that
13 it is in their own financial best interests to engage with and join in
14 the efforts of appellant to reduce pollution from the plant. Appellant
15 is a cooperative in which the profits are shared by its employee-
16 stockholders.

17 From which comes these

18 CONCLUSIONS OF LAW

19 I.

20 Appellant was in violation of Section 9.03(a) of respondent's
21 Regulation I.

22 II.

23 Notices of Civil Penalty Nos. 631 and 630 in the amount of \$250.00
24 each, are reasonable in amount.

25
26 FINDINGS OF FACT,
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ORDER

The appeal is denied and the Notices of Civil Penalty which are the subject of this appeal are affirmed.

DONE at Lacey, Washington this 5th day of June, 1973.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward
WALT WOODWARD, Chairman

W. A. Gissberg
W. A. GISSBERG, Member

James T. Sheehy
JAMES T. SHEEHY, Member

FINDINGS OF FACT,
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